

MINUTES OF MEETING – SEPTEMBER 2, 2003

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 2nd day of September, 2003, the Commissioners' Court convened the regular Voting Session at 9:14 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners' Court record notes that Precinct One Commissioner Ron Davis was not present during this Voting Session.

The Commissioners' Court recessed the Voting Session at 11:53 AM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation convened the Voting Session at 1:43 PM and adjourned at 1:44 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation convened the Voting Session at 1:44 PM and adjourned at 1:44 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:46 PM.

The Commissioners' Court retired to Executive Session at 3:10 PM.

The Commissioners' Court reconvened the Voting Session at 4:06 PM.

The Commissioners' Court adjourned the Voting Session at 4:09 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Thomas Bryant, Brodie Lane Resident; Rabina Jackson, President, Group Solutions RJW, Chair, Local Issues Committee, Austin Chamber of Commerce; Sandy Henches, Vice President of Public Policy, Austin Chamber of Commerce; and Susan Spataro, Travis County Auditor. (9:17 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1–C4 and Items 1.A-F, 2, 3, 4, 5, 6, 7, 8, 11, 12.A-D, 13, 14, 15, 16, 20, 21, 24, 26, and 28. (9:48 AM)

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- C1.** RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3.** APPROVE COMMISSIONERS’ COURT MINUTES FOR VOTING SESSION OF AUGUST 12, 2003.
- C4.** APPROVE SETTING A PUBLIC HEARING DATE OF SEPTEMBER 16, 2003 FOR APPROVAL OF PROPOSED STREET NAME ASSIGNMENT FOR A PRIVATE EASEMENT TO “NAVARRO CREEK PASS” WHICH IS OFF NAVARRO CREEK ROAD SOUTH OF SH 71 EAST, PRECINCT FOUR. (COMMISSIONER GÓMEZ)

PURCHASING OFFICE ITEMS

1. APPROVE 12-MONTH EXTENSIONS (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR APPRAISAL AND APPRAISAL REVIEW SERVICES: (9:48 AM)
 - A. CONTRACT NO. PS000345DM, NATIONAL VALUATION GROUP;
 - B. CONTRACT NO. PS000346DM, AUSTIN VALUATION CONSULTANTS, INC.;
 - C. CONTRACT NO. PS000347DM, FREDERICK AND HORNSBY, INC.;
 - D. CONTRACT NO. PS000348DM, KOKEL-OBERRENDER-WOOD APPRAISAL, LTD.;
 - E. CONTRACT NO. PS000349DM, THE AEGIS GROUP, INC.; AND
 - F. CONTRACT NO. PS000350DM, ATRIUM REAL ESTATE SERVICES. (TNR/FM) (COMMISSIONER GÓMEZ)

Clerk's Note: Items 1.A-F added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

2. APPROVE MODIFICATION NO. 15 TO CONTRACT NO. MA980095 FOR EXTENDED SERVICES WITH TIBURON. (ITS) (COMMISSIONER GÓMEZ) (9:48 AM)

Clerk's Note: Item 2 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

3. APPROVE CONTRACT AWARD TO CARRIER COMMERCIAL SERVICES FOR INSTALLATION OF NEW COOLING TOWER AT THE GAULT BUILDING, IFB NO. B030142-MB. (FACILITIES MANAGEMENT) (COMMISSIONER GÓMEZ) (9:48 AM)

Clerk's Note: Item 3 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

4. APPROVE CONTRACT AWARD FOR THE TEXAS VINE SERVICES AGREEMENT TO APPRISS, INC. (SHERIFF) (COMMISSIONER GÓMEZ) (9:48 AM)

Clerk's Note: Item 4 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

5. APPROVE ORDER EXEMPTING THE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS FROM PHILIPS MEDICAL SYSTEMS FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024(A)(2) OF THE COUNTY PURCHASING ACT. (SHERIFF) (COMMISSIONER GÓMEZ) (9:48 AM)

Clerk's Note: Item 5 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

6. APPROVE MODIFICATION NO. 5 TO CONTRACT NO. 02K00210JJ, SOUTHWEST CORP., SOUTHEAST METRO PARK CONSTRUCTION PROJECT, PHASE III, PROJECT 2. (TNR) (9:48 AM)

Clerk's Note: Item 6 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

7. DISCUSS AND APPROVE A PRELIMINARY PLAN IN PRECINCT FOUR: CHAPPELL HILL PRELIMINARY PLAN (140 LOTS – 25.38 ACRES – CHAPPELL LANE – NO FISCAL IS REQUIRED FOR A PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (COMMISSIONER GÓMEZ) (9:48 AM)

Clerk's Note: Item 7 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

8. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ACCEPT DEDICATION OF STREET AND DRAINAGE FACILITIES FOR TWIN CREEKS COUNTRY CLUB SECTION 1, SECTION 3 AND ANDERSON MILL ROAD, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:48 AM)

Clerk's Note: Item 8 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

9. A. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR A VARIANCE TO CHAPTER 82.302(d)(11) OF STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISION IN TRAVIS COUNTY FOR CLAYTON'S CROSSING TO ALLOW FOR ACCEPTANCE OF A SUBDIVISION WITH A JOINT USE DRIVEWAY THAT DOES NOT HAVE ALL WEATHER ACCESS TO AND FROM THE PROPOSED LOTS (6); AND (10:16 AM)
- B. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR A CONSTRUCTION AGREEMENT AND APPROVAL OF A PLAT FOR RECORDING IN PRECINCT THREE: CLAYTON'S CROSSING (LONG FORM PLAT – 22 LOTS – 40.735 ACRES – SPICEWOOD SPRINGS ROAD – FISCAL POSTED WITH CITY OF AUSTIN – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC (6 LOTS) AND CITY OF AUSTIN – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)

Clerk's Note: Items 9.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Tom Nuckols, Assistant County Attorney; Anna Bowlin, Transportation and Natural Resources (TNR); Joe Gieselman, Executive Manager, TNR; and Fred Lockwood, representing the applicant.

Discussion only. No action taken.

Items 9.A and B to be reposted on September 9, 2003.

10. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR TEXAS COLORADO RIVER FLOODPLAIN COALITION MEMBERSHIP AND FEES. (COMMISSIONER GÓMEZ) (11:32 AM)

Members of the Court heard from: Stacey Scheffel, TNR; and Carol Joseph, Assistant Director, TNR.

Motion by Judge Biscoe and seconded by Commissioner Gómez to seek a variance for FY '03 fees, request a special exception for the previous fees, tender payment for 2003 with that, and say that the Commissioners' Court voted to approve the 2003. It was the first time we got the invoice, we know there is a similar payment for 2004, and we will be ready to meet that in January, 2004, but we think that previous payments ought to be waived.

An Addition to the previous Motion was made by Judge Biscoe that the Motion is to approve the Coalition interlocal agreement, plus payment for 2003, and a commitment to pay in January, 2004, for the next year.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

11. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ACCEPT DEDICATION OF STREET AND DRAINAGE FACILITIES FOR GREENRIDGE PHASE 1 AND GREENRIDGE PHASE 2, TWO SUBDIVISIONS IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:48 AM)

Clerk's Note: Item 11 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

PLANNING AND BUDGET DEPT. ITEMS

12. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE: (9:48 AM)

- A.** GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE SOUTHWEST BORDER INITIATIVE PROGRAM WITH THE DISTRICT ATTORNEY'S OFFICE. THE GRANT PROVIDES FEDERAL REIMBURSEMENT OF PROSECUTION AND DETENTION EXPENDITURES FOR FEDERALLY REFERRED CRIMINAL CASES INCURRED FOR CASES WITH DISPOSITIONS BETWEEN OCTOBER 21, 2001 AND MARCH 31, 2003;
- B.** GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE DOE/OIL OVERCHARGE WEATHERIZATION PROGRAM IN THE HEALTH AND HUMAN SERVICES DEPARTMENT. THE GRANT CONTINUES THE EXISTING PROGRAM FOR FY 04;
- C.** GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE LIHEAP WEATHERIZATION PROGRAM IN THE HEALTH AND HUMAN SERVICES DEPARTMENT. THE GRANT CONTINUES THE EXISTING PROGRAM FOR FY 04; AND
- D.** REQUEST TO AUTHORIZE HHS TO CONTINUE THE CHILDREN'S PARTNERSHIP GRANT PROGRAM THROUGH THE END OF NOVEMBER. THIS ALLOWS CONTINUATION OF THE PROGRAM UNTIL A FULLY EXECUTED CONTRACT CAN BE COMPLETED.

Clerk's Note: Items 12.A-D added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

13. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:48 AM)

Clerk's Note: Judge Biscoe noted that Item 13 included Budget Items A1 and T1.

Clerk's Note: Item 13 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

ADMINISTRATIVE OPERATIONS ITEMS

14. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR TRAVIS COUNTY EMPLOYEES AND DEPENDENTS COVERED BY THE HOSPITAL AND INSURANCE FUND FOR PAYMENT OF \$399,975.70 FOR THE PERIOD OF AUGUST 15, 2003 THROUGH AUGUST 21, 2003. (9:48 AM)

Clerk's Note: Item 14 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

15. CONSIDER AND APPROVE HOLIDAYS EFFECTIVE OCTOBER 1, 2003 THROUGH DECEMBER 31, 2004 IN ACCORDANCE WITH THE TRAVIS COUNTY POLICIES, PROCEDURES AND REGULATIONS MANUAL, SECTIONS 10.043 AND 10.044 COVERING HOLIDAYS AND PERSONAL HOLIDAYS, RESPECTIVELY. (9:48 AM)

Clerk's Note: Item 15 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

16. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO FUND ONE TRAVIS COUNTY EMPLOYEE TO PARTICIPATE IN LEADERSHIP AUSTIN PROGRAM, IN ACCORDANCE WITH CHAPTER 16 OF TRAVIS COUNTY CODE. (9:48 AM)

Clerk's Note: Judge Biscoe noted that the employee is Deborah Britton, Health and Human Services Department.

Clerk's Note: Item 16 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

17. APPROVE PERSONNEL AMENDMENTS. (11:39 AM)

Members of the Court heard from: Jessica Rio, Budget Analyst, Planning and Budget Office (PBO); and Alicia Perez, Executive Manager, Administrative Operations.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the routine personnel amendments.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 17 non-routine personnel amendments to be reposted on September 9, 2003.

OTHER ITEMS

18. RECEIVE UPDATE ON TRAVIS COUNTY CRIMINAL COURTS AT LAW JAIL REDUCTION DOCKET. (9:15 AM)

Item 18 postponed until September 9, 2003.

19. SET ELECTED OFFICIALS SALARIES FOR FY 04. (11:40 AM)

Members of the Court heard from: Christian Smith, Executive Manager, PBO.

Motion by Judge Biscoe and seconded by Commissioner Gómez to adopt the fees that have been advertised and are set forth in the back-up material, effective October 1, 2003.

A Clarification of the previous Motion was made by Commissioner Sonleitner that there is an asterisk related to the judicial salaries, that it depends on a favorable opinion by the Attorney General, and the Auditor is withholding the paying out of those dollars until the opinion comes through.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

20. APPOINT MARY NICHOLSON TO SERVE ON THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF TRAVIS COUNTY, TEXAS, TERM EFFECTIVE THROUGH SEPTEMBER 2, 2005. (COMMISSIONER DAUGHERTY) (9:48 AM)

Clerk's Note: Item 20 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

21. APPOINT ARTHUR L. MAPLE, JR. TO SERVE ON THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #4, TERM EFFECTIVE THROUGH DECEMBER 2004. (COMMISSIONER DAUGHERTY) (9:48 AM)

Clerk's Note: Item 21 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

22. CONSIDER AND TAKE APPROPRIATE ACTION ON THE STATE REQUIREMENT FOR ACCREDITATION OF THE MEDICAL EXAMINER'S OFFICE. (RB) (9:51 AM)

Members of the Court heard from: Danny Hobby, Emergency Services Coordinator, Travis County Department of Emergency Services; Darlene Dunn, Medical Examiner's Office; Alan Miller, Budget Analyst, PBO; and Linda Moore Smith, Director, Human Resources Management Department (HRMD).

Clerk's Note: The Commissioners' Court authorized Staff to put together a one- or two-page letter that highlights issues raised, from Travis County's perspective. In addition to that, we should look at the various options, maybe provide a bit more detail, cost them out, and take a look at that next week, September 9, 2003.

Discussion only. No action taken.

Item 22 to be reposted on September 9, 2003.

23. CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDER SETTING FEES TO BE CHARGED FOR SERVICES BY THE SHERIFF AND CONSTABLES IN 2004. (11:30 AM)

Members of the Court heard from: Bill Derryberry, Senior Budget Analyst, PBO.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the fees in Item 23, effective January 1, 2004.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

24. APPROVE LICENSE AGREEMENT BETWEEN TRAVIS COUNTY AND CHEER UP PRODUCTIONS TO PERMIT REPRODUCTION, DISPLAY AND USE OF THE TRAVIS COUNTY SEAL, LOGO AND BADGE FOR A FEATURE FILM. (9:48 AM)

Clerk's Note: Item 24 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

25. DISCUSS AND TAKE APPROPRIATE ACTION REGARDING: (1:46 PM)
- A. ELECTION DAY POLLING PLACES;
 - B. THE ORDER FILLING VACANCIES FOR ELECTION PRECINCT JUDGES AND ALTERNATE JUDGES; AND
 - C. OTHER MATTERS RELATING TO THE CONDUCT OF THE SEPTEMBER 13, 2003 ELECTION.

Item 25 to be reposted on September 9, 2003.

26. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:48 AM)

Clerk's Note: Item 26 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

27. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR TRAVIS COUNTY, AS A MEMBER OF THE EXECUTIVE COMMITTEE OF THE BARTON SPRINGS WATERSHED WATER QUALITY STANDARDS PLANNING PROJECT, TO APPROVE WITH THE CITY OF DRIPPING SPRINGS AN INTERLOCAL AGREEMENT TO PROVIDE ADMINISTRATIVE SERVICES TO THE PROJECT. (COMMISSIONER DAUGHERTY) (9:15 AM)

Item 27 postponed until September 9, 2003.

28. APPROVE AMENDMENT TO STATE OF TEXAS CONTRACT # 01-02024 WITH THE OFFICE OF THE ATTORNEY GENERAL FOR LOCAL CUSTOMER SERVICE AND STATE CASE REGISTRY SERVICES. THIS AMENDMENT ALLOWS TRAVIS COUNTY TO REQUEST REIMBURSEMENT FOR CALLS TO THE COUNTY'S INTERACTIVE VOICE RESPONSE (IVR) PHONE SYSTEM AT DRO. (9:48 AM)

Clerk's Note: Item 28 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

29. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATIONS FOR REDUCTION OF THE TRAVIS COUNTY FLEET BY THE FLEET MANAGEMENT COMMITTEE. (1:46 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Mike Joyce, Fleet Manager, TNR; Jessica Rio, Budget Analyst, PBO; Terry Pickering, Major, Travis County Sheriff’s Office (TCSO); Cyd Grimes, Travis County Purchasing Agent; and Christian Smith, Executive Manager, PBO.

Discussion only. No action taken.

Item 29 to be reposted on September 9, 2003.

30. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSAL TO DETERMINE LEVEL OF FUNDING FOR CELL PHONE SERVICES IN VARIOUS COUNTY DEPARTMENTS. (11:44 AM)

Members of the Court heard from: Danny Hobby, Emergency Services Coordinator, Travis County Department of Emergency Services; and Christian Smith, Executive Manager, PBO.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to reduce the annual allocation by 25%, or roughly \$50,000.00, for budgeting purposes.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

31. CONSIDER AND TAKE APPROPRIATE ACTION ON FEES RECOMMENDED IN THE FOLLOWING AREAS:

A. PARKS; (10:31 AM)

Members of the Court heard from: Carol Joseph, Assistant Director, TNR; Charles Bergh, Division Director, Parks and Natural Resources, TNR; and Cynthia McDonald, Financial Manager, TNR.

Staff Recommendation F – Duplicate Annual Permit

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to reduce the recommended increase, and increase the fee to \$25.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Staff Recommendation E – Annual Day Use Permit

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve Staff Recommendation E, and go from \$50.00 to \$75.00 on the Annual Permit, and that it be available to Travis County residents only.

A Division of the Vote was requested by Judge Biscoe on Staff Recommendation E – Annual Day Use Permit.

First Division of the Vote:

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty that the Annual Permit be available for Travis County residents only.

Motion failed:

County Judge Samuel T. Biscoe	no
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	no

ITEM 31 CONTINUED

31. C. CONSTABLES; AND (11:29 AM) (11:31 AM)

Members of the Court heard from: Bill Derryberry, Senior Budget Analyst, PBO.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the fees covered in Item 31.C, effective January 1, 2004.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

31. D. FIRE MARSHAL SERVICES. (11:31 AM)

Members of the Court heard from: Danny Hobby, Emergency Services Coordinator, Travis County Department of Emergency Services.

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the fees in Item 31.D, effective October 1, 2003, for FY '04.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

EXECUTIVE SESSION ITEMS

Note 1 Gov't Code Ann 551.071, Consultation with Attorney

Note 2 Gov't Code Ann 551.072, Real Property

Note 3 Gov't Code Ann 551.074, Personnel Matters

Note 4 Gov't Code Ann 551.076, Security

- 32.** CONSIDER AND TAKE APPROPRIATE ACTION ON LEASE AT 2919 MANCHACA ROAD, PRECINCT THREE JUSTICE OF THE PEACE AND CONSTABLE OFFICES. ^{1 & 2} (3:10 PM) (4:06 PM)

Clerk's Note: Judge Biscoe announced that Item 32 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney, and Gov't. Code Ann. 551.072, Real Property.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to extend the deadline for the property owner to respond to our last letter, to Wednesday, September 3, 2003, at 5:00 PM. Otherwise, we will perform the necessary tests ourselves, and that we withdraw the costs of the tests from the next rental payment, if we are forced to do it.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

33. CONSIDER AND TAKE APPROPRIATE ACTION ON CLAIM BY JAMES A. SMILEY FOR COMPENSATION FOR WORK PERFORMED WHILE AN EMPLOYEE OF FRANKLIN WOODBERRY DBA STERLING JANITORIAL SERVICES ON A TRAVIS COUNTY CONSTRUCTION PROJECT. ¹ (3:10 PM) (4:06 PM)

Clerk’s Note: Judge Biscoe announced that Item 33 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to reverse our last decision, to pay one half of this claim, because we had previously paid it.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

34. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION FROM COUNTY ATTORNEY IN THE MATTER OF RICHARD MCCAIN. ¹ (3:10 PM) (4:07 PM)

Clerk’s Note: Judge Biscoe announced that Item 34 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No action taken.

Item 34 to be reposted on September 9, 2003.

35. RECEIVE BRIEFING FROM COUNTY ATTORNEY, DESIGNATE A REPRESENTATIVE FOR MEDIATION AND TAKE APPROPRIATE ACTION CONCERNING THE CLAIM FOR PAYMENT FOR “ON-CALL” TIME BY CERTAIN SWAT TEAM DEPUTIES. ¹ (3:10 PM) (4:07 PM)

Clerk’s Note: Judge Biscoe announced that Item 35 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to appoint Commissioner Precinct Three Gerald Daugherty as the Court’s representative.

Clerk’s Note: Judge Biscoe added that the Court expresses its appreciation to the Commissioner for agreeing to serve as the mediator.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

36. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, OR COUNTER OFFER FOR SETTLEMENT AND TAKE APPROPRIATE ACTION IN THE MATTER OF AUSTIN 1825 FORTVIEW, INC. V. TRAVIS COUNTY, TEXAS, CAUSE NO. GN-300127, IN THE 353RD DISTRICT COURT OF TRAVIS COUNTY, TEXAS. ¹ (3:10 PM) (4:08 PM)

Clerk’s Note: Judge Biscoe announced that Item 36 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to formally reject the offer.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

37. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING BARBARA OAKLEY, AS LEGAL GUARDIAN FOR RICHARD DANZINGER V. CITY OF AUSTIN, HECTOR POLANCO, ET AL. ¹
(3:10 PM) (4:08 PM)

Clerk's Note: Judge Biscoe announced that Item 37 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action taken on Item 37.

Item 37 to be reposted on September 9, 2003.

38. CONSIDER AND TAKE APPROPRIATE ACTION ON CHANGES IN THE CONTRACTUAL AGREEMENT WITH THE WORKFORCE DEVELOPMENT BOARD ADDRESSING TRAVIS COUNTY'S POTENTIAL LIABILITY FOR WORKFORCE FUNDS. ¹ (3:10 PM) (4:08 PM)

Clerk's Note: Judge Biscoe announced that Item 38 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No action taken.

Item 38 to be reposted on September 9, 2003.

